



# Balcones Heights Police Department

3300 Hillcrest Drive, Balcones Heights, Tx. 78201

210-735-6244 Phone / 210-735-4954 Fax

## **Identity Theft Packet**

BHPD case # \_\_\_\_\_ Assigned Detective: \_\_\_\_\_

The Balcones Heights Police Department CID is the follow-up division for Identity Theft. If you have not made a police report please do so. If you live in Balcones Heights please call dispatch at 210-735-9212 to have an officer come to your home.

Specific documentation is needed in order to prosecute identity theft cases. This packet will guide you in gathering and submitting the required documentation so that your complaint can be reviewed and handled in the most efficient manner possible.

The information requested herein is the minimum required for successful investigation and prosecution. More information may be required. It is important that all forms contained within this packet be completed and returned.

Identity theft is a serious and time-consuming matter, demanding your full cooperation and patience. Once you have completed the attached packet, please send it to the Criminal Investigations Division of the Balcones Heights Police Department. Your packet will be reviewed for solvability factors that will determine if the case will receive further investigation by the assigned detective. Texas law regarding identity theft and Fair Credit Reporting Act law related to gathering documentation are both included in this packet to aid you in understanding the criminal charge and gathering required documentation.

Use the following Identity Theft Packet Checklist as a guide in completing your packet. Attach photocopies (no originals please) of all related reports, documents or other paperwork that may have bearing on this matter. If you have any questions, please call the Criminal Investigations Division at the numbers listed above.

### **Identity Theft Packet Checklist:**

- BHPD Case Number
- Completed ID Theft Packet
- Full Credit Reports (unedited, do not delete or black out anything)
- Affidavit/Statement
- Fraudulent application and supporting documentation





# Balcones Heights Police Department

3300 Hillcrest Drive, Balcones Heights, Tx. 78201

210-735-6244 Phone / 210-735-4954 Fax

## Statement Information Supplement

Note: This information is confidential and only for Balcones Heights Police Department and Bexar County District Attorney official records.

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Age: \_\_\_\_\_ DOB: \_\_\_\_\_

Place of Employment: \_\_\_\_\_

Business Address: \_\_\_\_\_

Job Title: \_\_\_\_\_

Marital Status: ☐Single ☐Married ☐Separated ☐Divorced ☐Widowed

Name of Spouse if Applicable: \_\_\_\_\_

Nearest relative other than spouse:

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Phone: \_\_\_\_\_



# Balcones Heights Police Department

3300 Hillcrest Drive, Balcones Heights, Tx. 78201

210-735-6244 Phone / 210-735-4954 Fax

## Texas Law for Identity Theft

Sec. 32.51. FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION. (a) In this section:

(1) "Identifying information" means information that alone or in conjunction with other information identifies a **person**, including a person's:

- A) Name and date of birth;
- (B) Unique biometric data, including the person's fingerprint, voice print, or retina or iris image;
- (C) Unique electronic identification number, address, routing code, or financial institution account number;
- (D) Telecommunication identifying information or access device; and
- (E) Social Security Number or other government-issued identification number.

(2) "Telecommunication access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another telecommunication access device may be used to:

- (A) Obtain money, goods, services, or other thing of value; or
- (B) Initiate a transfer of funds other than a transfer originated solely by paper instrument.

(b) A person commits an offense if the person, **with the intent to harm or defraud another**, obtains, possesses, transfers, or uses an item of:

- (1) Identifying information of another person without the other person's consent;
- (2) Information concerning a deceased natural person, including

a stillborn infant or fetus, that would be identifying information of that person were that person alive, if the item of information is obtained, possessed, transferred, or used without legal authorization; or

- (3) Identifying information of a child younger than 18 years of age.

(b-1) For the purposes of Subsection (b), the actor is presumed to have the intent to harm or defraud another if the actor possesses:

- (1) The identifying information of three or more other persons;
- (2) Information described by Subsection (b)(2) concerning three or more deceased persons;

or

- (3) Information described by Subdivision (1) or (2) concerning three or more persons or deceased persons.

(b-2) The presumption established under Subsection (b-1) does not apply to a business or other commercial entity or a government agency that is engaged in a business activity or governmental function that does not violate a penal law of this state.

(c) An offense under this section is:



# Balcones Heights Police Department

3300 Hillcrest Drive, Balcones Heights, Tx. 78201

210-735-6244 Phone / 210-735-4954 Fax

- (1) A state jail felony if the number of items obtained, possessed, transferred, or used is less than five;
  - (2) A felony of the third degree if the number of items obtained, possessed, transferred, or used is five or more but less than 10;
  - (3) A felony of the second degree if the number of items obtained, possessed, transferred, or used is 10 or more but less than 50; or
  - (4) A felony of the first degree if the number of items obtained, possessed, transferred, or used is 50 or more.
- (c-1) An offense described for purposes of punishment by Subsections (c)(1)-(3) is increased to the next higher category of offense if it is shown on the trial of the offense that:
- (1) The offense was committed against an elderly individual as defined by Section [22.04](#); or
  - (2) The actor fraudulently used identifying information with the intent to facilitate an offense under Article [62.102](#), Code of Criminal Procedure.
- (d) If a court orders a defendant convicted of an offense under this section to make restitution to the victim of the offense, the court may order the defendant to reimburse the victim for lost income or other expenses, other than attorney's fees, incurred as a result of the offense.

## How to obtain fraudulent documentation

### FCRA 609(e) (15 U.S.C. § 1681g(e))

#### DISCLOSURES TO CONSUMERS-INFORMATION AVAILABLE TO VICTIMS

##### (e) Information available to victims

(1) In general. For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 30 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or Otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to--

- (A) The victim;
- (B) Any Federal, State, or local government law enforcement agency or officer specified by the victim in such a request; or
- (C) Any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.

(2) Verification of identity and claim. Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, otherwise has a high degree of confidence that it knows the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity—



# Balcones Heights Police Department

3300 Hillcrest Drive, Balcones Heights, Tx. 78201

210-735-6244 Phone / 210-735-4954 Fax

(A) As proof of positive identification of the victim, at the election of the business entity--

(i) the presentation of a government-issued identification card;

(ii) Personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

(iii) Personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and

(B) As proof of a claim of identity theft, at the election of the business entity--

(i) A copy of a police report evidencing the claim of the victim of identity theft; and

(ii) A properly completed copy of a standardized affidavit of identity theft developed and made available by the Commission; or an [FN1] affidavit of fact that is acceptable to the business entity for that purpose.

(3) Procedures. The request of a victim under paragraph (1) shall

(A) Be in writing;

(B) Be mailed to an address specified by the business entity, if any; and

(C) if asked by the business entity, include relevant information about any transaction alleged to be a result of identity theft to facilitate compliance with this section including if known by the victim (or if readily obtainable by the victim), the date of the application or transaction; and if known by the victim (or if readily obtainable by the victim), any other identifying information such as an account or transaction number.

(4) No charge to victim. Information required to be provided under paragraph (1) shall be so provided without charge.

(5) Authority to decline to provide information. A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that--

(A) This subsection does not require disclosure of the information;

(B) After reviewing the information provided pursuant to paragraph (2), the business entity does not have a high degree of confidence in knowing the true identity of the individual requesting the information;

(C) The request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or

(D) The information requested is Internet navigational data or similar information about a person's visit to a website or online service.

(6) Limitation on liability. Except as provided in section 1681s of this title, sections 1681n and 1681o of this title do not apply to any violation of this subsection.

(7) Limitation on civil liability. No business entity may be held civilly liable under any provision of Federal, State, or other law for disclosure, made in good faith pursuant to this subsection.

(8) No new recordkeeping obligation. Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

(9) Rule of construction

(A) In general. No provision of subtitle A of title V of Public Law 106-102, prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.

(B) Limitation. Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.



# Balcones Heights Police Department

3300 Hillcrest Drive, Balcones Heights, Tx. 78201

210-735-6244 Phone / 210-735-4954 Fax

(10) Affirmative defense. In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that

- (A) The business entity has made a reasonably diligent search of its available business records; and
- (B) The records requested under this subsection do not exist or are not reasonably available.

(11) Definition of victim. For purposes of this subsection, the term “victim” means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, an identity theft or a similar crime.